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**CONTRACTING WITHOUT CONTRACTS-
ECONOMIC POLICY CONCERTATION BY
AUTOPOIETIC REGIMES BEYOND LAW?**

by
Bernd MARIN

BADIA FIESOLANA, SAN DOMENICO (FI)

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Bernd Marin

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European University Institute

Badia Fiesolana

Via dei Roccettini, 9

I-50016 San Domenico di Fiesole (Florence)

CONTRACTING WITHOUT CONTRACTS

Economic Policy Concertation by Autopoietic Regimes beyond Law?

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I. BEYOND SHEER SELF-REPRODUCTION AND AUTOPOIETIC CLOSURE

A basic conceptual lesson autopoietic theory teaches is to move from an input/output-paradigm to a paradigm of self-referential closure. Open systems theory with its focus on system/environment-exchanges, which became the most common and current taxonomic currency in social sciences over the last decades, should be overcome by a model of autopoietic self-reproduction. While all versions of open systems theory - whether input/conversion/output-models or contingency-models - are associated with attempts at causal explanations and their inevitable failures in overly complex contexts, the notion of autopoiesis promises to grasp the fundamental self-reference and the very circularity of highly complex systems - and to reconstruct their closure and reproduction more properly.

Autopoietic closure, to be sure, should not lead back to traditional closed systems theory, anteceding the emphasis on open systems. Whereas the old approach focused on emerging system properties regardless of ambience and was fascinated by the discovery that "the whole is more than the sum of the parts", the new wave in systems thinking circulates around the idea that complex systems not only reproduce themselves but also their very self-generated elements. Structures, functions, processes, boundaries, environments, identities, absolutely everything down to the elementary units which cannot be further decomposed by the systems as such, are assumed to be autonomously self-generated.

Self-generation of elements does not imply the system's capacity to completely determine or control itself, as if the reproducing system existed without or totally apart from any environment. It only refers to the comprehensive production of all system units through recursive utilization of components already constituted. As system elements e.g. events or communications in social systems, are continuously vanishing, they are in permanent need of reproduction. Consequently, higher order (emerging) systems are no longer necessarily more complex than systems of lower order, which they use in constituting themselves.

Autopoiesis, thus, goes well beyond the concepts of "relative autonomy" and "self-regulation" in open systems theory. In all its versions, it shifts attention away from production and output, focusing on reproduction as the main point of reference. While theorists differ with respect to the modes of reproduction - Maturana (1982), for instance, concentrates on self-reproduction as such whereas von Foerster (1981) or Luhmann (1984a) *assumes the* necessity of a steering mechanism i.e. observation guiding self-reproduction - they all focus on the self-organizing, that is, reproductive, aspects of temporalized ("hot") systems. But whether more essentialist as Maturana or more pragmatic as Varela (1981, who, incidentally, speaks of "autonomy" and "control" and not of "autopoiesis", the latter being a point of view besides other perspectives) or Luhmann's sophisticated recent dogmatism (heretically undercutting, as ever, established orthodoxy in order to playfully set up his own doxa), the leading figures share an

eminent preoccupation with self-reference, recurrence, circularity, open closure and reproduction.

Autopoietic closure in theory, certainly refers to itself in subtle and sophisticated ways, reproducing ever recurrent core beliefs in multiple versions with often brilliant arguments. Closure, for instance, is not just closure, but considered as a certain mixture of closure and openness; social systems e.g. are seen as "normatively closed but cognitively open". But what does this formula help us to understand? Normative closure and cognitive openness could, with regard to psychic systems, equally cover a "healthy", strong-willed but tolerant personality who simply knows what he/she wants as well as a pathologically paranoid, prejudiced person, curiously picking up whatever fits into his/her conspiratory world view. With regard to social systems, scientific and magic practices would equally reproduce themselves autopoietically as do bureaucracies, legal dogmatics and risky business decisions - normatively closed and cognitively open. But do not all the interesting differences lie in the specificity of the mixture of openness and closure and not in the mixture as such?

Autopoietic theory, as a scientific discourse, tends to close itself by opening itself up only to those phenomena which it is able to reconstruct and reproduce within its own premises - as any theory does. But if we all go in theoretical circles, as we certainly do, the very radius (as well as the location and other

qualities) of the circle becomes the main distinguishing (redeaming) feature of the circular language game we are, nolens volens, reproducing. Under what circumstances, then, is a model focusing on reproduction worth reproduction?

Self-referential reproduction, it seems, is the more fruitful and stimulating an exclusive or ultimate frame or reference, the more abstract (and disinterested) our interests in understanding systems actually are. Most general questions of the differentiation or evolution, contingency or reflexivity, complexity or selection, integration or interpenetration of any one system and, therefore, system comparisons seem to be better served by autopoietic reasoning than analyses, say, of given historical formations; functionally specialized subsystems of modern societies (such as "the legal system") or "complex organisations" as such are better explained than the reproduction of "real phenomena" as, say, Nazi "justice" or the contemporary Japanese economy or the European University Institute as an educational and research institution.

The last examples already indicate that shifting the focus to reproduction as the central point of reference does not necessarily force us to ignore the different levels of production and output - and their contribution to different qualities of reproduction. On the contrary, system maintenance (which is, despite Luhmann, the core of reproduction) is usually compatible with highly differential levels of system performance; and it is

these very differential qualities which are the main concerns in our daily lives. While theoretical reasoning can (and more often than not should) ignore everyday preconceptions of problems, middle range theories of practical interest can and should not ignore everyday concerns in order not to become simply irrelevant. And it is hard to deny that most of us most of the time in most of our roles (including that of social scientist) are concerned with system performance and quality and only occasionally with sheer reproduction.

Often all we care is whether conferences or seminars are successful, stimulating, productive etc. or less so, and sheer continuation as success might be the lower borderline case of aspiration levels of reproduction (as, e.g. in the follow-up conferences of the Helsinki Conference for Security and Cooperation in Europe). We prefer our own spouse over marriages like the one in "Who is afraid of Virginia Woolf?"; we prefer to Stanford or other "hot" colleges, rather than to any one. Public security or welfare provisions in Vienna are simply better than in New York. Pisa and Logan Airport, or the rapido between Milano and Roma and the Shinkansen between Tokyo and Osaka can hardly be subsumed under the same type of (airport, railway) service organization. In all these cases, it is almost only the differences in quality and system performance which count (and are, consequently, puzzles in need of explanation), whereas sheer reproduction is taken for granted (or a nuisance) at best.

But concern with quality and system performance related to reproduction instead of with sheer reproduction is not limited to vital or petty daily problems, from hospital care to love relations. Hundreds of theoretical and empirical studies in economics and social science try nothing but to understand the reasons for differential performance of contemporary British and Japanese industries, between Austrian and Dutch unemployment rates, between Swiss and Israeli monetary stability, between West German and American productivity increases; whereas the only irrelevant (though sometimes surprising) aspect is that all these national economies "reproduce" themselves in some way or another. Similarly, political systems are distinguished according to differential levels of freedom, civil liberties, democratic participation of citizens, government stability, levels of conflict or violence etc., and these differences in quality might be of more practical and theoretical interest than their sheer continuation or breakdown influenced by performance. But what do all these truisms imply for the initial theoretical puzzle concerning the circumstances under which a model focusing on reproduction is worth reproduction?

Autopoietic theory, in all its variants, tempts us to ignore the impact of system performance on system reproduction. While von Foerster or Luhmann leave space for processes of self-observation as necessary components of self-referential reproduction, they are unable to make even one single specific proposition as to how different performance levels influence the stability of systems

reproduction (culturally variable, though not indefinitely, with regard to social systems). When Luhmann (1984b), for instance, talks about autopoietic self-reproduction of "the economy" as a functional subsystem of modern societies, he seems to be completely negligent of the simple but decisive fact that decentralized, private business or mixed market economies cannot reproduce themselves without growth; that is, a stationary or zero growth economy is impossible given certain institutional frameworks. But autopoietic reasoning about the economy in society does not allow understanding of this dynamic systemic quality of capitalist market economies, making extended, non-stationary reproduction indispensable for economic reproduction at all.

Obviously, this fundamental theoretical deficiency of self-referential reasoning becomes ever more accentuated, the less systems performance refers to inherent prerequisites such as the necessities of economic growth but to less categoric, binary, unsubstitutable and more gradual dimensions of reproduction. Here, the question is less how much trade imbalances, price instabilities, unemployment rates or productivity disadvantages are compatible with economic system reproduction at all than how different performance levels make not only for different forms of social (dis)integration but also for different modes of socio-economic reproduction; one cannot be understood without the other.

In fact, if we do not look at results, that is, at the products of production only, but primarily at the conversion

process between input and output, the analytical distinction between production and reproduction stressed by autopoietic theorists becomes less sharp and clear anyway. System performance, to be sure, may mean dimensions as different as the attainment of goals proclaimed or the failure to reach them, latent functions fulfilled, or the quality of functioning itself, including process costs and process benefits produced as side products of daily performance, aspects quite independent of each other. An arranged marriage, for instance, might generate "love" or other emotional bonds instead of children, wealth accumulation or empire building as originally intended, and only the overall quality of the relationship will decide about its continuation or dissolution. More often than not, quality of performance will be the single most important dimension of reproduction.

Obvious problems in assessing this productivity (quality performance, output) of complex systems in no way decrease its fundamental relevance for systems reproduction, systematically ignored by autopoietic theorising. Standards of performance are always ambiguous (even experts can hardly determine what makes for "success" or "failure" in the performance of a police corps or a hospital organization); internal and external measures of performance are not necessarily congruent; yardsticks of judgement used might themselves change with changing norms in the systems environment etc. But however difficult to monitor and to assess in practice, systems performance will strongly influence reproduction, its stability and even its possibility at all. Price

regulation, for instance, or macroeconomic management of an economy will, in the end, be continued or not, depending mainly on whether "it works" or not; the rest is ideology at best.

Using this last example, the following contribution argues that it makes an essential difference whether societal reproduction is "managed" and "governed" or not (part II); that the economic policy concertation necessary for macroeconomic management and governance typically takes the form of risky, highly precarious exchanges without the legal securities supporting analogous business transactions. Examples of successful attempts at cooperative interest intermediation demonstrate that these practices constitute institutions without bureaucratic organizations, while inter-organizational transactions can be neither understood as political market relations nor be regulated by modern law and contract (part III). Part IV illustrates this non-legality of political cooperation in some detail with regard to a prominent case in point, part V discusses some functions of legal indeterminacy related to self-referentiality or autopoietic self-reproduction of cooperative economic policy concertation, which could itself be interpreted as a substitute for law. Law, nevertheless, fulfills some secondary functions even within fundamentally non-legal networks of conflict regulation. This leads to the final query, whether the transaction-chains or networks structuring generalized political

exchange can fruitfully be interpreted as autopoietic regimes (without law), demonstrating long-term policy concertation as contracting relationships without contracts as well as mechanisms of coordination to be reduced neither to markets nor to (corporate, state) administration but as - highly improbable - phenomena sui generis (part VI). As such, their logic of self-organization and reproduction can meaningfully be interpreted by autopoietic systems thinking and some indications are given as how they could be modelled this way.

II. MACROECONOMIC MANAGEMENT, GOVERNANCE, AND SOCIETAL REPRODUCTION

How is macroeconomic management of open, national economies, organized as mixed capitalist market systems, possible at all? Why and to what extent do some economic policies succeed and others fail with regard to maintaining acceptable levels of growth, employment and stability - and how come that the same economic programs and strategies succeed once while failing another time or in another country? And what conceptual tools and theoretical perspectives allow us to account for these differential macroeconomic performances and to explain cross-national differences as well as variations over time by a complex interplay between systemic socio-economic structures, political institutions and economic programs.

Macroeconomic management of the economy might be considered successful inasfar as it prevents mutually reinforcing, cumulative disequilibria and systems disintegration; eventually leading to social disintegration, destructive political conflicts, institutional decay and disruptions of collective identities. Preventing cumulative disruptions in the economy, thus, is a crucial component of overall reproduction and development of advanced, industrial societies.

This capacity for societal reproduction and development, that is, guided growth shall be called governance. While governance obviously cannot be reduced to macroeconomic management of the economy, it clearly cannot do without it; even more, while macro-economic management of the economy is a necessary but not sufficient condition of societal governance, I assume it to be the single most important element in explaining how social order is possible at all and what kind of changes are likely to occur.

In order to understand what makes macroeconomic management of the economy a problem of governance and governance a problem at all, some conceptual clarification is at first in order. A possible way of doing this is to gradually specify what governance, diverging from other established views is not, or more precisely, what it is also, but not exclusively or only predominantly. In this view, governance is not only ruling, control and domination, through repression or more sophisticated or even legitimate forms of establishing hegemony over bourgeois

society. Whereas it always involves power, authority (Herrschaft) and attempts at reproducing privileged particularistic interests, that is domination, this concept of governance focuses on the relationship of dominant collective actors to historical projects and common goals - that is, on their dirigeance (Touraine 1973).

Similarly, other implicit views of governance will have to be complemented. First, governance cannot be reduced to the liberal conception of monitoring the unintended results of spontaneous mutual adaptation and self-regulation of independent corporate actors operating within a minimal set of rules governing otherwise "free" market competition (Hayek 1973). Neither can it be looked at secondly, as nothing but a process of continual muddling through by more or less intelligent adjustments, ad hoc measures, selective government interventions and other fundamentally undirected forms of incrementalism to securing socio-economic reproduction. Nor, finally, can we see governance as a problem of corporatist "institutional design" only, concentrating on political organizations and institution-building in order to extend governmental control and state authority by a network of interlocking, functionalised "private interest governments" (Streeck/Schmitter 1985).

While governance inevitably implies all these dimensions, it cannot be reduced to any or all combination(s) of them. In our understanding, governing implies also guiding/directing societal reproduction and change, according to some common, prevalent

historical projects or collective goals. Though reproducing domination as well as inducing social change almost unavoidably provokes defensive action as well as fundamental challenges to the very organizing principles (contestation) of society, democratic governance (and that is what we are always talking about if talking of governance) has to be supported and collective goals to be agreed upon by a critical mass of those concerned by the very mode and outcomes of the developments induced.

Governance, thus, seen as the capacity of any given society for self-guidance and the steering of its most fundamental courses of action, is half way between the utopian technocratic claim to fully control even the consequences of purposive action ("anything can be done") and the counteracting neo-liberal resignation that "nothing is possible" in terms of political guidance except for withdrawal from economic exchanges proper. Contrary to that, one should think of the possibility that a society is reproduced, but not governed: If guidance/directive capacity is lost, socio-economic reproduction is still possible (e.g. an "order through anarchy" as often stipulated for Italian society), but governance is not. (To be sure, in a rapidly changing world, reproduction without direction i.e. ungovernability might well, sooner or later, dissolve social order and democracy also).

This guiding/directive capacity of governance might diminish for several reasons. Whereas a large body of literature on "ungovernability" since the early seventies overflows with

problems of blocked decision-making and implementation, procedural or task overload, loss of public confidence, popular support and legitimate authority in enforcing chosen public policies, little has been said (outside the armament and military domain) about the loss of guiding principles or former collective goals such as full employment. Abandoning full employment as an economic policy target, for instance, indicates a shrinking political will and/or a decreasing directive capacity - that is, a sensitive loss in overall governance. Though industrial societies with two-digit unemployment rates and three-digit inflation rates are still "possible" in the sense that "life goes on" in, say, contemporary Argentina, Israel, Yugoslavia, Great Britain or the Netherlands, they cannot seriously be called "governed" any longer as before: events "happen" and developments simply occur - and that is that.

Obviously enough, this conception of governance diverges from the prevailing notions of ungovernability at least in two fundamental respects. While many (neo-conservative as well as marxist) authors interpret ungovernability as an unintended and unanticipated consequence of all too ambitious political goals and all too naive and voluntaristic ideas of how to bring them about, I subscribe to an outcome-oriented conception of governance - at least with regard to macroeconomic management. Here, performance can be measured by agreed-upon yardsticks, and the different yardsticks and different degrees of consensus can themselves be taken as indicators of different aspiration levels of overall societal governance.

This conceptualization clearly reverses conventional assumptions, as can be illustrated with respect to employment levels as the single socially most important outcome of economic policies. Whereas in the traditional perspective a reduction of governmental responsibility for political goals such as full employment increases governability by shifting burdens, this contracting scope of governmental action by externalizing competences or shrinking directive capacities can be understood in itself as a symptom of diminishing governance (as much as it might improve the governing properties of the residual functions). Though I share the conviction that an intelligent delineation of boundaries for public and governmental action constitutes a crucial dimension of governability, the basic and most fundamental parameters of macroeconomic policies such as employment, price stability, growth rates, balance of trade and payments, exchange rates etc. obviously cannot be defined out of the game of governance without reducing the notion itself ad absurdum.

Yet, there is another reversal of conventional approaches. Instead of arguing (or even logically deducing) why an overload of public institutions and ungovernability seems almost inevitable or why macro-economic management of capitalist market economies is virtually impossible, this raisonnement focuses on how societal guidance and reproduction/governance is actually possible - at least in the field of macroeconomic management.

III. ECONOMIC POLICY CONCERTATION: BEYOND MARKETS, BUREAUCRACIES
AND LAW

Order from Concerts?

If social order in terms of guided reproduction i.e. governance is possible at all, it does not arise from (legislative) noise as von Foerster (1981) or Teubner (1985b) would have it, but from concerts. Concerts seen as sophisticated networks of highly synchronised actions, more or less strongly programed but softly directed by subtle modulation only. Their performance is a complex ordering of complex performances.

Social order from concerts implies that macroeconomic management might be similar to a concert, but one performed without a partiture and an omnipotent conductor. In such circumstances, everything will be possible from chaotic noise to genial free improvisation. But if it is nothing but these differences between noise and free order which count (for reproducing the concerts), the main puzzle is what accounts for the differences in successful concertation?

One factor - but a significant one - making a difference in economic policy concertation is a specific looseness or indeterminacy in coupling efforts of cooperation and in intermediating conflicting interests. The following contribution focuses just on this looseness or indeterminacy of concerting

'structuration' (Giddens 1984), and more will be said about it in a moment. Before, three things should be clarified right from the start.

First, the very coordination needed to synchronise multiple and opposing actors' actions and interactions cuts out the spontaneous, natural emergence of policy concertation through a kind of "political market", compensating in the political arena for "market failures" in the economic realm and in harmonising antagonistic interests.

Secondly, the very looseness or indeterminacy in synchronising multiple and opposing actors' actions and interactions cuts out any strongly formalized device to cope with emerging complexities - that is, the possibility of setting up a bureaucratic apparatus (organization) controlling participants constituting the economic policy network or community; as well as to regulate their inter-organizational transactions and exchanges over conflicting claims by modern law, be it public law (authoritative state) regulation or civil law contracts by private parties.

Thirdly, this lack of bureaucratic and legal securities, the specific non-legality of networks of generalized political cooperation makes risky transactions even more risky, but, nevertheless, it seems, so widespread and typical for successful

concertation that it should be analysed as one logical prerequisite of productive joint policy-making.

If we look at existing cases of joint economic policy-making considered more successful than others, we always find some nuclei of coordination, perceived as the very "nerves" or brains of (self-)governance. These nodes, to be sure, are not parts or outlets of the central state, though governments or public administration might be represented within them; but even if central state agencies are present, they can just be important parties among others, not always superior or even hegemonic actors. On the other hand, there are networks of policy concertation, in particular on a subnational and transnational level (such as the private, international, sectoral restructuration circle in the European chemical fibre industry analysed by Kenis 1986), where state agencies are not even part of the decision-making community.

The nodes, thus, are no centers creating or determining the exchange networks and power-dependence relationships between their members, but serve as catalysts or crystallizing points to which a focal function in balancing the transaction-chain is attributed. Metaphorically speaking, they intonate the Leitmotiv followed and varied by the players bringing about an overall melody. But the first voice may be performed by various and changing parts of the overall orchestra.

Obviously, all networks have nodes symbolically incorporating and representing a common vision of the policy circle and the corresponding operational projects around which all synchronising efforts are organized. This allows the development of binding orientations guiding concertation within the policy community and the communication of these orientations internally as well as to relevant, selected ("chosen") environments. Network nodes, hence, represent an indispensable collective institutional identity of the circle, directing collective action via self-projected images from a boundary-role, as if these intelligence/identity-nodes actually were centers of power and control.

Properly understood, the nerves or brains of policy networks organize the circle by organizing themselves (to paraphrase Piaget 1947) more or less intelligently, a principle we could call auto-concertation. Catalysts of successful economic auto-concertation typically have no developed hardware (organizational structure) and software (interaction programs), and lack definite bureaucratic and legal forms.

This informality and indeterminacy of inter-organizational policy synchronisation will be shortly illustrated with regard to Japanese concertation, the success of which is almost unrivaled and certainly undisputed. But it could be even better documented for Swiss, Austrian, Swedish or Norwegian networks of intermediary interest intermediation in culturally closer contexts (Schmidt 1986). While the economic performance generated or directed by

those policy circles does not reach contemporary Japanese levels, it is still far above the OECD average, and the concertation networks display the same characteristic looseness in coupling cooperative action and intermediating conflicting claims.

Some Japanese and European Evidence

Most powerful as they are, Japanese business interests exercise neither political influence nor macroeconomic hegemony directly through formal organizational channels. They have established, to be sure, a number of highly important business associations and developed a finely tuned division of political labor among them: the Federation of Economic Organizations (Keidanren) representing all sectors of private big business as the dominant force; the Japan Federation of Employers' Associations (Nikkeiren/SCAP), a large employers' combat organization, mainly designed to counteract trade union impact on industrial labour relations; the Japan Chamber of Commerce and Industry (JCCI), organizing mainly small business interests and recently compensating their historical weakness by mobilization efforts; and the Japan Committee for Economic Development (Keizai Dōyūkai), a forum of progressive business, advocating in a business-dominated system what elsewhere is the function of tripartite, cooperative bodies: designing peaceful labour-management relations, industrial democratization, government-business cooperation in a post-liberal, "corporatist", macroeconomic framework, stressing the social responsibilities of

business within what a founding father called "amended capitalism".

But even within this club-like, salon-type organization, when it came to taking leadership in formulating most essential international economic policies as, for instance, the policy for capital liberalization or exchange rate policies, the Japan Committee for Economic Development set up an even more informal, small (ten-member) Industrial Issues Study Council (Sangyō Mondai Kenkyūkai in short "Sanken") in order to most effectively concert divergent voices into an overall framework of policy orientation, to develop guidelines for internal coherence and comprehensive outside interest promotion.

As with international problems, local or regional issues are dealt with by quite formless committees, often created ad hoc. When, for instance, a comprehensive assessment of a planned seaside airport near Osakais expected from the regional business community, it is not Keidanren as the respective peak organization which responds top-down; instead, Kankeiren (Kansai Economic Federation, Kansei being the Osaka-Kobe-Kyoto region) sets up a loose working group, composed of experts and businessmen, in order to evaluate and eventually program and coordinate the support for such a project bottom-up.

Similarly, inter-associational understanding and concertation between the major leaders of business and business organizations

(zaikai-jin) and, as a second step, with government officials, is brought about mainly through informal circles. This should not easily be misinterpreted as nothing but the continuation of an old Japanese business tradition of informal networking for the particularistic interests of financial cliques (zaibatsu) or family clans (like Mitsui, Mitsubishi, Sumitomo).

First, such an interpretation - as in the theory of state monopoly capitalism - cannot make sense of a whole series of business stands running counter interests of powerful (financial capital) sections or clans, but seen by the business class as being favorable in broad national, macroeconomic terms - e.g. the surprising preference for expansionary policies in the late seventies as against prime minister Fukuda's preoccupation with price stability.

Secondly, whenever tripartite bodies are assigned the task of intermediating between opposing interests of capital, labor and government; of initiating the formation of common outlooks on economic and social problems of general concern (energy, environment, welfare, education, transport, medial system etc.); and of creating consensus around proposals elaborated in cooperation among the constituent parties - or simply of listening to other countries' experiences: all this is also done through rather informal networks - the Social and Economic Congress of Japan (SECJ) being a case in point.

These few, sketchy remarks must suffice in this context to illustrate the core insight up to now: policy concertation as a prerequisite of managing macroeconomic performance and governing development typically takes no definite legal-organizational form. This indeterminacy has to be considered typical not just for Japanese macroeconomic management but for concertation as such, as it is to be found all over the place: from the (equally business-dominated) Swiss circuits organizing "Arbeitsfrieden" to the more labor-dominated Austro-Scandinavian coordination circles such as the Paritaetische Kommission in Austria, the Norwegian Kontaktutvalget replacing the former all to formal Oekonomiske Samordningsraad and Kontaktutvalget or the Swedish Harpsund-conferences and the Planraad.

Significantly, such loosely integrated synchronisation networks are in no way restricted to national circuits (or even more: to policy circles of small countries, as is often argued); they are also found more and more on international level, whether purely sectoral or comprehensive, whether privately coordinated or by public instances as the European Community institutions.

But, here again, the publicly spectacular European Tripartite Conferences after 1970 and the more institutionalized bodies such as the Standing Committee on Employment have proved less than successful. The Tripartite Conferences could not even reproduce themselves after 1978, stumbling over the transfer of a heated (and additionally personalized) battle between the West German

Trade Union Confederation (DGB) represented by Heinz O. Vetter and the Confederation of German Industry (BDI), and in particular the council President Otto Graf Lambsdorff chairing the conference, over "reduction of working time" at European level, blowing up macro-economic synchronisation altogether.

In contrast, informal policy circles such as the Steering Group set up 1976, the Val Duchesse Meetings since 1984 and the mechanisms created by the new commission strategy called the "Delors approach to European Social Policy" proved to be far more flexible, rapid and efficient in concertation than the publicity spectacles and "supermarket"-events of the Tripartite Conferences as well as the organizationally more formalized Standing or Advisory Committees. Why is this so and what does it mean?

Loosely Integrated Synchronisation Circuits

Quite obviously, synchronisation circuits are the more effective, the looser and more indeterminate their internal coupling and the less binding and accountable their environmental effectiveness. The safest way to block and kill them would be the legalization (Verrechtlichung) of inter-organizational exchanges and constitutionalization of their public control, as many "classical" corporatist attempts demonstrate, (the Social-Economische Raad (SER) in the Netherlands being the most prominent recent case of decay and failure in this respect). Consequently,

an underlying norm regulating the risky transactions between the actors participating in policy concertation circles was coined as the unwritten rule of not writing down rules of cooperation, of keeping them ambiguous and revocable the pure opposite of formal, legal-contractual relations. Part V will elaborate on this further.

Does this imply that "everything goes" within these networks, leaving their functioning to the free play of forces operating within them? Or, on the other hand, if their transactions and outcomes cannot be properly understood by a mechanism of a political market, what else is it that holds together the chains, if not law and organization? And, last but not least, makes some synchronisation networks more and some less successful than others, in terms of sheer capacity of reproduction as well as their quality of performance?

While typically non-formalized, concertation practices are in no way left to themselves or accidental factors arising in unpredictable manner, but governed by complex sets of rules, allowing for internal selectivity and calculable effects to be attributed by their environments. Though they are more than random, casual, or purely singular encounters - as is often the case with "meetings", "conferences" or spectacular "political pacts" and "social contracts" - but regular arrangements, they almost never reach the level of organizational sedimentation: Characteristically, they lack bureaucratic properties such as

statutes, finance, employees, written documents, authority structures etc. Hence, one could label them simply as institutions without organisation.

This lack of a bureaucratic apparatus has important consequences also for the "foreign relations" of policy networks: already the fact that they typically have no legal corporate personality of their own precludes the possibility of inter-organizational and inter-network transactions taking legal-contractual forms. As with regard to internal exchanges, cross-boundary transactions must do without the securities of legally binding and contractual devices. Therefore, these procedures are often described as just "a way of doing" interest politics, guided by a specific "philosophy" and a "spirit" of cooperation.

Though making a good point by pointing to an important prerequisite of policy synchronisation, the stress on common outlooks and orientations can be grossly misleading. All too easily the impression arises that these circles are basically based on normative foundations: As if networks were held together by a kind of shared parsonian value-consensus. Obviously enough, this is generally the case neither in national or in supranational concertation circuits, given the fundamentally opposing (divergent, if not antagonistic) nature of participating interests.

If neither constitutions nor contracts, neither law nor organization, neither bureaucratic enforcement nor freely shared value consensus, what else holds networks of economic policy synchronisation together? And what else makes them more or less viable and their reproduction more or less productive?

Before we come back to provide some answers to these questions, the inherent non-legality of economic policy cooperation will be illustrated in some detail with regard to the juridical ambiguities of a prominent case in point of inter-organizational concertation.

IV. THE NON-LEGALITY OF POLITICAL COOPERATION EXEMPLIFIED

Juridical Ambiguities of Inter-Organizational Policy Circuits:

The Parity Commission as a Case in Point

Nowhere is the formlessness (informality) and nonlegality of inter-association cooperation clearer than in the Austrian system of labour relations; and nowhere is the success bearing contradictoriness of the Austrian system of labour relationships more clearly shown than in the legal controversies about its legal bases and constitutionality. They condense and manifest the tension between power and law, stability and democratic

legitimation, efficiency and control - and also the direction in which these oppositions are being resolved.

Almost everything about the Austrian "Wirtschafts- und Sozialpartnerschaft" (Economic and Social Partnership) (WSP) is legally ambiguous, from the central body of the Paritätische Kommission" (Parity Commission) (PKPL , see Marin 1982a) to the dual character of its public law member associations and the demarcation of these chamber organizations from autonomous interest representation. Exaggerating slightly, one might even describe the gradual formation of institutions of interassociational cooperation in the postwar period as an ultimately successful process whereby the economic associations sought to set up their cooperation against all resistance, outside the constitutionally specified powers, but in practice legally unassailably. The question is how and why that was possible.

All the Parity Commission's institutional predecessors after the Second World War were already constitutionally dubious and controversial. Between 1947 and 1951 a "Wirtschaftskommission" (Economic Commission) concluded a total of five "Preis-Lohn-Abkommen" (Wage/Price Agreements). The "Wirtschaftsgemeinschaft" ('Economic Commission') had no legal basis. Since it was subordinate to the federal government and constantly advised it, a constitutional codification would indeed have been necessary. For the Austrian legal system provides for assessment of relevant draft enactments only by individual interest associations

(originally only by the Chambers). Accordingly, in order to legally justify the Economic Commission it had to be denied that it constituted a standing collegiate body of interest representation to advise the government; arguing counterfactually that it had never met regularly, but in fact only case by case. Admittedly, even such a fictitious construction could hardly assuage the deep unease of leading legal scholars about the 'Economic Commission' (1).

The next attempt by government and Nationalrat (corresponding the lower house of parliament) to get over the constitutional dubiety of the Economic Commission by setting up a legally covered "Wirtschaftsdirektorium der Bundesregierung" (Economic Directorate of the Federal Government) had, however, precisely the opposite effect from that intended. Instead of freeing the institution from the odium of being without the law and in the constitutional twilight, it was declared unconstitutional by the Supreme Court. Barely a year after the lower house had adopted the "Gesetz über die Errichtung eines Wirtschaftsdirektoriums der Bundesregierung" law setting up an Economic Directorate of the Federal Government (2), this was declared unconstitutional by the "Verfassungsgerichtshof" (Constitutional Court), and abolished (3).

The Supreme Court decided that "the Economic Directorate of the Federal Government is to be regarded as a new, special collegiate body, not provided for in the federal constitution",

and thereby infringing the constitutionally exclusive responsibility of the "individual specifically competent Federal Ministers or the Federal Government". The freedom of decision given to the responsible Federal Minister by the constitution would thereby be abolished, "with the decision adopted appearing only in a formal sense as a decision of the Ministers ..., whereas in fact it was one of the working committee... the competent Federal Minister must not however be impeded in the autonomous accomplishment of his remit by the need for approval from bodies not provided for in the constitution" (4). In accordance with this ruling of the Constitutional Court, the lower house abrogated the unconstitutional law setting up an Economic Directorate of the Federal Government (5). In place of the legally provided for but unconstitutional Economic Directorate there reappeared the Economic Commission, entirely without legal cover (6).

A subcommittee of the Economic Commission set up for price questions in late 1956 in turn developed in early 1957 into the "Paritätische Kommission für Preis- und Lohnfragen" (Parity Commission for Price and Wage Questions), or, initially, its price subcommittee. Its process of formation itself likewise illustrates the constitutionally dubious collusion of public and private power. The foundation of the Parity Commission is officially based on a decision by the council of ministers of the Austrian federal government of 12 March 1957. This directed at the four biggest interest associations - chambers and trade union confederation - "the urgent request to take all measures falling within their

province to guarantee in the current year the maintenance of a stable price framework" (7).

The council of ministers referred explicitly to a report from the subcommittee of the Economic Commission, which, as everyone knew, had been set up on the basis of a personal agreement between the then federal chancellor and the president of the trade union confederation, at the latter's urging. The council of ministers session thus, as it were, ratified a private agreement between a top association official and a former association leader, now federal chancellor, by the elected federal government. The 'support' for the government from the extralegal associational body went so far "that the Economic Commission not only prepared the text of the council of ministers' decision of 12 March, but actually wrote it" (8). Jurists regard this practice as a complete reversal of the constitutional provisions for at most the delegation of governmental tasks to interest representations.

In opposition to the principle of the rule of law and thus to the Bundesverfassungsgesetz (federal constitutional act), however, the federal government and federal ministry had increasingly become executive organs for interest group decisions arrived at in agreement between the associations. This had become glaringly obvious even with the five multilateral "Lohn- und Preisabkommen" (wage and price agreements) between 1947 and 1951, in which the Ministry of the Interior had in each case implemented the agreements between chambers and trade union congress in the

Economic Commission by simple decree. Later, in the legal dispute about the Economic Directorate, the federal government was even officially confronted with its own argument that it wished to give "the ...competent federal ministry only the role of the auxiliary apparatus carrying out the decisions, but in no way a decisionmaking function (9); though no mention was made of its own role as a kind of auxiliary apparatus of the economic interest associations.

Similarly, a bare decade later it was alleged against the plan for reshaping the Parity Commission that "while the Economic Directorate was to restrict the area of action of the Federal Minister for Trade and Reconstruction and take certain powers on itself, here by contrast the idea is that the Federal Minister for the Interior is to be destined for action" (10). Irrespective of whether the Minister of the Interior's role in a particular area of price regulation is interpreted as that of a "receiver of instructions from the Parity Commission", or the powers of sanction provided are interpreted as "general empowerment" of the federal minister - "the extension of price regulation, unavoidably necessary on the ideas of the reform plan for the function of the Parity Commission, is in both possible variants, in contrast with the federal constitution" (11).

It is therefore not very surprising that (mainly conservative) constitutional lawyers repeatedly proposed that the interest associations and their forms of cooperation be tied in

legally to the federal constitution. Thus, the setting up of a parliamentary "Verbänderat" (association council) or a "Wirtschafts- und Sozialrat" (economic and social council) (12) was repeatedly called for, whereas the authors of the Austrian constitution had still regarded as problematic the idea of a separate "Wirtschaftsparlament" (economic parliament) - thought of as "a body for appraisal and advice, possibly equipped with a suspensory veto" (13) of interest representation, side by side with parliament. But it is equally unsurprising that it is not Hans Kelsen's legal theoretical objections to the legal theoretical objections of conservative jurists, but vested political interests of the economic interest associations themselves, that have to date effectively prevented any attempt at constitutional "Verrechtlichung" (legalization) of the associational system and above all of interassociational cooperation.

The theoretical critique by legal scholars of the unconstitutionality of institutional arrangements of interassociational cooperation remained almost without further consequences after the episode of the Economic Directorate (14) - apart from the lesson learned by interest groups to keep their cooperative practices as informal as possible thereafter, thereby completely excluding formal legal verifiability. Instead of increasing possibilities of control over interest associations, as intended, the legal purism and formalism of the constitutional lawyers had the contrary effect of forcing interassociational

cooperation into the legal twilight of complete informality, making it still less controllable; without its being in any way disturbed by the constitutional dubiety that had arisen. Nor had anything changed in the de facto position of equality or superiority of the "Economic and Social Partnership" vis-à-vis legislature and government in the Parity Commission either - except that the latter managed later to make itself completely independent and successfully protect itself from constitutional questioning from the outside.

An exception to this rule, which also confirmed it, was the Parity Commission's extension plans, incautiously published in the so-called "Raab-Olah- Abkommen" (Raab-Olah agreement) of 1962. The agreement was aimed among other things at expanding the PKPL's price control powers and sanctioning capacities, and for that reason alone was unrealizable in its original form, for constitutional reasons (15). Significantly, however, all subsequent bills on the "Preistreibereigesetz" (price fixing law), the "Preisregelungsgesetz" (price settling law) or the later reworked "Preisgesetz" (price law) (16) incorporated indirect powers of sanction for the four major interest representations in the form of a joint right of assessment and proposal. Government bodies - formerly the Minister of the Interior, now the Minister for Trade - can either only intervene officially if the economic associations manage to agree on exceeding the "usual local price", or else not intervene, if the interest groups unanimously stamp

changes in prices and wages as "economically essential". But unanimity can be attained by the associations only in the context of the Parity Commission, which is, like all its subcommittees, not provided for in any law, in any form.

The laws do mention agreement between individual interest representations as a requirement, but never the Parity Commission, the only thing that can be meant, since it is only in this institutionalized cooperation of the economic associations that unanimity can actually be brought about, on rules of the principle of concordance. By this deliberate ambiguity, the legislator prevents individual passages in the law being interpreted as a legal basis for the PKPL, which might lead to its abolition as an unconstitutional standing collegiate body.

The legal ambiguity is underpinned still further by certain irregularities in the frequency of convocation of the PKPL and its subcommittees, and the absence of organizational infrastructure - finance, staff, secretariat, fixed meeting place, rules of procedure. According to political expediency, the legally required advice to government may one time come from individual economic associations, and another the lasting cooperation of interest groups and the state in the Parity Commission be emphasized - it takes on whatever legal appearance is needed.

With this legal indeterminacy and the indefiniteness and indefinability of the PKPL, many individual provisions also become

unstable and questionable, though they might be unambiguous in themselves . To be sure, the given arrangements are voluntary agreements, so that the institution works praeter legem. By contrast with legally regulated administrative bodies, it has no administrative authoritative powers, no legal standing, no stages of appeal, no executive power. Since its constituent organizations were given the right to supply government, by agreement, with non-binding recommendations, it looks most like a kind of self-management body, to which the state has transferred certain economic policy powers. This is all the more so since disappearance of this voluntary cooperation would require corresponding sovereign acts by parliament, government and administration. But the Parity Commission, legally considered, does not perform any sovereign functions by performing the social one of replacing sovereign action and rendering it superfluous. It is therefore all the more astonishing that even experts can regard it chiefly as an economic policy instrument of government (17).

How can the Parity Commission be an instrument of government when the majority of government members do not even take part in it, and some members of government, though they do, cannot vote or participate in decisions? How can the PKPL be a government instrument, when it is not only not bound by instructions (or could not, until 1966, block government interests) but cannot even form its opinion without paying any attention to them, while no federal government can fail to take account of unanimous decisions of the "economic partners"?

This instrumentalist misinterpretation of the Parity Commission seems to be a direct expression of its hybrid legal position: it was set up at the explicit wish of the government, sanctioned by the council of ministers, and to date still operates with the participation of government members, without these having more than informal influence on the basically voluntary and private agreements of the leaderships of the associations. Advice to government from the economic associations, insofar as these can agree, is legally provided for; but the nature of the cooperation that is required and is brought about has been legally circumscribed and blurred. Undertakings entered into by the interest representations can be interpreted at best in private law as "Verwendungszusagen" (promise of intercession) (18), binding the economic associations only as commission members with voting rights; since legally they bind neither government nor member associations (e.g. specific trade unions, sections of chambers) nor association members, de facto both the collective bargaining powers of the individual trade unions and the price fixing possibilities of the firms represented are certainly restricted (19). Although additionally interassociational cooperation in the PKPL represents the last instance for central economic policy decisions and thus has, by contrast with other countries, significance in upholding the system, this de facto sovereign function is, as it were, legally denied: public-law regulations exist for only one part of the participant organizations (the chambers) and there in turn for precisely those areas lying outside the institutionalized cooperation in the PKPL.

The multiple legal ambiguities continue in many ways at the level of the constituent economic interest associations in the Parity Commission. For instance, the Chamber organizations are legally provided representations of classes and social groups, with the public law status of self-managing corporations. As such, in their "eigenen Wirkungsbereich" (own area of action), they have to represent the interests of chamber members vis-à-vis the State; but by contrast, in the "übertragenen Wirkungsbereich" (transferred/delegated area of action), to implement the States' instructions to its members, as an auxiliary organ of the public administration. But these two areas of action, clearly separable in legal theory, in practice unavoidably overlap; all the more so since the legally regulated dual position of the chamber organizations vis-à-vis the State supervisory authorities is overlain by numerous informal, counter-structural arrangements between government apparatus and economic associations - in the context of the Parity Commission and in that of non-autonomous participation of associations in public administration.

Thus, the Chambers have, for instance, special rights of application, proposal and in some cases even a special right of voice vis-à-vis the organs of the legislature and executive; in practice of the WSP, however, in addition to this expert function, they frequently exercise de facto a right of legal initiative, in no way allowed to them by law. The same is true of the delimitation of Chamber organizations from the autonomous or "free" interest representations. Again, the legally clear

distinction becomes blurred into unrecognizability in the practice of the Austrian associational system. Individual "free" interest associations provide for compulsory membership (20); the largest among them (trade union confederation and league of industrialists) perform tasks legally reserved to the Chambers, or delegable by these, including the conclusion of collective agreements (21); finally, there is such a multiplicity of organizational and personal interpenetrations between politically parallel autonomous economic interest associations and Chambers that the area to which particular decisions have to be assigned can probably hardly be kept apart any longer even by the actors involved, still less by outside observers.

There are organizational interpenetrations with ambiguous legal consequences at all levels and in all associations. Three examples picked out may serve to confirm this : in the realm of business organizations, for instance, the "Hauptverband der Österreichischen Sparkassen" as a "free" interest representation also handles the tasks of the "Fachverband der Sparkassen", the corresponding savings banks professional association in the mandatory "Bundeskammer der gewerblichen Wirtschaft" (Federal Chamber of Industry and Commerce). The "Präsidentenkonferenz der Landwirtschaftskammern" (Conference of Chairmen of Chambers of Agriculture) (as, for instance, also the Federal Conference of Chambers of the Liberal Professions) is a "free" interest representation, even though the "Landeslandwirtschaftskammern" (provincial chambers of agriculture) joined together in it as a

central association, like the Austrian Raiffeisen association as an auditing association, are entirely compulsory organizations; these compulsory associations in turn recognize, however, in some federal provinces, "free" interest representations as subordinate specialized organizations. In the Chambers of the liberal professions, "free" interest associations and Chamber organizations come together in the same peak association. In the organizations of the labour movement, again, for instance, the "Fachausschüsse der Kammern für Arbeiter und Angestellte" (specialized committees of the Chamber of Labor) are almost identical with the specialized suborganizations of the trade unions. And something still more complicated and more systematically permeating all levels of the associational system are the personal interconnections, whereby officials of the Chambers at the same time occupy positions in "free" interest associations, and vice versa, and these links are then further interwoven with political interest organizations. Especially in agriculture, this kind of "Filz" ("tangle") is in no way an aberration of the associational system, but indeed is often statutorily prescribed.

V. LEGAL INDETERMINACY, IMPLICIT "CONTRACTING WITHOUT CONTRACTS",
AND SECONDARY FUNCTIONS OF LAW

Before we can analyse the functions of the specific looseness and juridical ambiguities of successful intermediary interest intermediation set out above, its fundamental aspects will have to be clarified; that is, the basic dimensions of legal indeterminacy will have to be determined: What does legal indeterminacy of inter-organizational policy circuits actually mean in analytical terms, abstracting from the wide variety of related empirical phenomena?

A first and general feature is a permanent shifting of boundaries defining the transaction network of the policy circuit. In trying to characterise this looseness by a loose and nevertheless catchy formula, it was once called the unwritten rule of not writing down the rules of cooperation (Marin 1985b, 110); of keeping exchanges always somewhat open and revocable - but not arbitrarily and only limitedly so. By implication, while few strategic options are kept open, the specific modalities of actually delivering precommitted generalized compliance can usually be renegotiated.

The rationale behind this bounded informality is binding the contracting parties together by either executing implicit

agreements or renegotiating the terms of cooperation which turn out to be problematic; thereby successively overdetermining informally what remains formally underdetermined. This is brought about by combining little or no legal formalization and bureaucratic organization with high interdependence of structures and effects of joint actions, make for a blurring of distinctions of the coordinating circle and its environment and corresponding re-internalization of short-term externalities. The resulting constant redefinition of domains and ambiguity of cooperative arrangements provides a strong institutional defense-mechanism and an almost inexhaustible source of autonomy and control. Autopoietic theory would speak of operational closure and self-referentiality.

The less formally structured and externally accessible cooperative networks are, the more they can handle environmental attributions and influence if not create their public images. Inaccessability blocks off outside interventions, Gestaltlosigkeit is in continual need of interpretation and, thus, generates opportunities to project one's own self-conception onto relevant others - at least as long as crucial knowledge is appropriated and converted into superior powers of definition and accumulated legitimacy. Generally, obliterated boundaries are not designed or produced purposefully and there is no blueprint for optimal hazyness and legal ambiguities; but once they have come about, they are skillfully manipulated and increasingly developed by a sharpening sense of their tactical usefulness. They allow the

drawing of boundaries, that is, responsibilities, just where they are needed at times. In order to bond policy networks efficiently, their boundaries must be shifting to the extent that tasks are moving and power-relations changing - and that is almost permanently.

But bounded informality, most important in itself, is not the only constitutive dimension of legal indeterminacy; the fictions of open exit and limited liability are equally important. In the literature on inter-associational concertation, the first aspect is discussed as the fundamental "voluntariness" of cooperation. Yet, the formal freedom to cooperate or not has a complement in the formal limitation of binding commitments to the (minor!) explicit aspects of encompassing and necessarily incomplete agreements: Without both the voluntariness and the presumed specificity of transactions, implicit contracting would not be possible. But while these fictions have to be treated as realities, they are, in reality, pure counterfactuals: Mostly, only locked alternatives and diffusing responsibilities can explain why interest organizations conform to accords without formal treaties and how "social contracts" hold without contracts and in the absence of legal sanctions.

Open exit means that, in principle, overall cooperation could always be left, if not terminated, by any single participating organization and regulative principles or specific activities could always be questioned and eventually be withdrawn from. Even

the rules of compromise such as unanimous decision-making are, in the last instance, revocable and therefore voluntary. The exit option is always open in principle, but difficult and remote in practice: The possibility to quit looses all edge if not used as an ultimate threat or sanction of adversary coalition partners against each other only. Ironically enough, so much voluntariness turns itself into an iron necessity to go on collaborating, if exit from cooperation becomes ever more costly with ongoing cooperation. Exit, then, develops into a face-saving device for short interludes at most, whereas the contracting parties to the policy network find themselves ever more "locked into" an alliance which has become valuable in itself by the sheer amount of "sunk costs" or specific past investments in maintaining the relationship.

Open exit, thus, is a most stabilizing fiction as it transforms the persistent formal freedom to cooperate or not into a far more compelling force to hold on than written contracts or legal sanctions ever could; while at the same time denying the gradual very transformation of voluntary exchanges into compulsive continuity of transactions. This way, the indeterminacy of voluntary transactions is gradually determined and overdetermined by a growing stock of informal mutual obligations and confidence, interwoven utilities, reciprocal trust, political credits for reliability and faithfulness and corresponding reputations at stake etc., and bonds develop in a silent, creeping, even self-denying manner, compatible with ongoing opposing identities.

The very same applies to the fiction of limited liability. The more specific, limited, and revocable any single concession within a framework of generalized compliance seems to be, the easier it will be done and the better it can be enforced internally by all participating organizations. But while illusions of reversibility and careful delineation of compromises increase the willingness to make them, their very interlinkages and "nesting" within a multiplicity of related issues actually allow only for minimal desertion and refusal of responsibilities never explicitly taken. The abundance of tacit assumptions and of implicit agreements over explicit ones is a direct consequence of the transformation of short-term "deals", "pacts" and "treaties" into more long-term, multiplex relations between interdependent actors, held together by antagonistic cooperation.

The relational nature of contracting between divergent interest organizations "concerted" by some synchronising policy task results from the fundamental incompleteness of all complex and workable agreements. Complex agreements must be incomplete in order to be viable, but if they are incomplete, they are basically trouble-ridden and ultimately unenforceable; while strictly enforceable "social contracts" either do not work or, if they work, are not useful, as precise risk assessment and contingency planning would erode them from all substance.

Implicit "contracting without contracts", in contrast, suffers from and functions by its legal indeterminacy: Obligations are

initially diffuse and ill-defined and become precise through permanent and controversial contextual specification only; hence, concessions, information, consensus, support, membership control, and other valuable forms of compliance exchanged always remain somewhat ambiguous and unspecific even where monetarized measurables are part of the performance offered; structural, and i.e infinite ,interdependence of interests make for no clear beginning and end, that is, no well-defined duration of the agreements, which are continuously adjusted; the non-interchangeability of the valuables transacted allows for a very restricted transferability of jointly produced outcomes only and binds participants of the alliance to the emerging system, making their self-interests more and more coextensive with that of other adversarial collaborators; trouble-shooting over conflictual interpretations of tacit assumptions becomes routine and corresponding collective tension-management is a permanent necessity in order to specify anew and in ad hoc fashion the generalized commitments to comply to rules which are neither exhaustive nor definite.

In short, the implicit elements of the agreements in need of continual re-interpretation and re-negotiation are not only abundant but also at the very core of the "social contract"; the seemingly "non-contractual" elements of the contract are the very essence of it. The practice of recurrent antagonistic cooperation they induce is a process of trust-generating re-contracting and highly self-referential an exercise; they make the game ever more

closed and independent of outside influences. In the last part, we will come back to this growing autonomization of generalized political exchange networks and see whether it can meaningfully be interpreted as a tendency towards autopoietic closure.

Several implications of implicit contracting without contracts should be pointed out explicitly. First, in highly developed, complex, "centerless" societies, only decentralized rule enforcement structures are viable in regulating the collective self-regulation of policy circuits. Enforcing implicit inter-organizational agreements can almost never have recourse to the Leviathan. Such a world of limited sovereigns or hegemons (if there are at all), where the central state cannot prevent powerful public and private actors from cheating, defecting, double-crossing, free-riding and other forms of violation of agreements by opportunistic moves, is found in modern international trade and foreign politics or in organized crime as it is in ancient, stateless, "primitive" societies - and these are the fields from which collective self-organization can learn most as to how to overcome problems of strategic interaction and to provide decentralized social control.

Obviously, the detailed modes of decentralized rule enforcement cannot be elaborated here. It should be evident, however, that rational actors will forego strategic opportunities only in exchange for something - be it mutual insurance against transactional risks, shared rents or joint effective

responsibility for policy outcomes, for fear of retaliation, loss of reputation in future transactions or systemic effects of precedents firing back on themselves. Generalized rule compliance, in order to become a rational self-interest of all collective actors involved, must be based on close mutual monitoring and sanctioning capacities, generated by high structural interdependencies and corresponding vulnerability of overall network stability and performance.

Secondly, this dependence of the overall exchange network and its governance potential in particular on the rule compliance of any single participating actor has a series of structural implications. Again, the structural prerequisites of successful cooperation can neither be enumerated nor elaborated, but some of them are obvious enough to indicate the direction. Empirically, they are found in all cases of well-functioning policy concertation. Participation is for instance highly restrictive, be it in terms of a limited number of actors, be it by exclusion of actors not either highpowered themselves or with direct access to controlling agencies. Parties to the agreement are sufficiently unified and in control of their constituencies as to guarantee membership acceptance of compromises with other organizations. They dispose of comparative advantages in administrative rationality and organizational intelligence vis-à-vis competing but excluded actors, providing high information-input, professional expertise, continual co-presence to permanently adjust the terms of agreement, from early stage preparation of

decisions throughout the whole policy cycle. Domains are comprehensive in order to allow a series of interlinked specialized little deals within the overall contracting framework on which the divergent interests of an encompassing alliance converge, etc. Given these and many other preconditions of viable implicit political contracts, it is not surprising that the emergence of workable policy concertation is rare; and once it emerges, its working remains always precarious and prone to collapse. Contracting without contracts is, in evolutionary terms, highly improbable an achievement.

Thirdly, while the agreements which hold together policy networks cannot be framed as binding legal contracts, they rarely do completely without legal underpinnings. Neither the political market nor state bureaucracy (or other hierarchical organization) can absorb the uncertainties inherent in risky political exchanges - and nor can law; but as the former, modern law reduces some transactional risks of complex policy synchronisation. Without being sufficient or only necessary an element of workable arrangements, law often contributes to functioning cooperation and performs helpful secondary functions in interest intermediation.

Saying so does not, to be sure, imply a systems functionalist conception of law, rather the opposite. For conceptualizing law just as binding rules and regulations for solving conflicts of any sort by stabilizing expectations is so abstract a view that virtually everything we have discussed so far would become law -

including implicit, apriori inexplicable and not even minimally legally enforceable "social contracts".

The reality of contracting without contracts, instead, displays two distinctive characteristics. First, though inter-organizational agreements cannot be handled by legal devices and remain fundamentally inexplicable with regard to future commitments, they often formulate some core obligations in quasi-contractual form as "treaties", "political pacts", "social contracts", "grand bargains"; that is, they use contractual forms as political symbols without effective legal securities. Secondly, they often use legal resources in the strict sense of the term to fall back on when they have to enforce the legally not binding but politically obliging inter-associational agreements within their own organizational domain - just think of price or collective labor law underpinning the non-legal cooperation in the Austrian case analysed above. This contrast between formless, non-bureaucratic and non-legal cooperation between organizations and legally highly regulated internal spheres has often been observed (e.g. Lehmbruch 1984), but never fully explained. It cannot be done here either.

Instead, two different secondary functions of law, corresponding to the different uses just distinguished, should be kept in mind. Legal regulation of the (internal) environment of contracting parties makes law serving as a kind of fall-back device to absorb some basic uncertainties coming ex post with the

implementation and execution of policy agreements settled ex ante without legal securities; whereas the contractual symbolism often used to frame some explicit core components of largely implicit and necessarily incomplete "social contracts" mainly serves as a political signalling device, to state mutual claims of compliance, to integrate images of common policy orientations and to strengthen elements of goal congruity. Modern law, thus, is neither an indispensable ingredient of policy concertation nor does it guarantee that political "pacts" will be observed or violators will be penalized; it might, nevertheless, perform some latent and secondary functions just by its very (partial) absence, indeterminacy or background operation only.

VI. GENERALIZED POLITICAL EXCHANGE AS AN AUTOPOIETIC REGIME BEYOND LAW?

In another context, I have analysed the working of policy networks as precarious transaction circuits of generalized political exchange (GPE, Marin 1985a). Now, we have just seen that risky political exchanges take place without the legal-contractual securities of equivalent business transactions. But how, then, does successful policy concertation work and even reproduce itself over time? If legal autopoiesis does not play a role in reproducing policy circuits, what are its functional substitutes? Given their legal indeterminacy, could GEP-networks themselves, their logic of self-organization and reproduction meaningfully be

conceptualized as autopoietic regimes (without law)? And if so, how is their basic self-referentiality brought about and maintained, despite the absence of legal dogmatics and institutions and in the absence of political markets and bureaucratic hierarchies?

I think, in fact, that political transaction-chains and networks can fruitfully be interpreted by autopoietic systems thinking. In what follows, some indications will be given as to how they could be modelled this way, without fully elaborating them. The argument starts with the premise that the fundamental self-referentiality and autopoietic self-reproduction of generalized exchange circuits directly springs from their legal indeterminacy. Consequently, they develop a circular, self-referential code of special communications outside the legal system and the general polity. They are socially closed. Their environments are self-constructed, with symbiotic relations with privileged interlocutors. They operate on self-generated, stable expectations, among which the disposable time and an autonomous time order might be the most valuable of all self-produced resources. They develop autonomous decision-processes, free of state regulation, government interventions and administrative controls. Boundaries are thematically defined, highly domain selective, but comprehensive. To the extent that concertation networks develop a collective identity of their own, as a policy community transcending the corporate identities of participating organizations, it is self-defined, and not imposed by constitution

or legislation. Finally, it makes sense, as will be seen, to speak of GPE-networks as normatively and communicatively closed, but informationally open.

Let us now develop three of these elements of autopoietic self-reproduction one step further, starting with the last item. What does communicative closure and informational openness of policy circuits actually mean? First, it leaves behind Luhmann's (1972, p 40 f.) dichotomy of learning vs. self-assertion, cognitive adjustment vs. powerful insistence on norms given, by combining both of them: Concertation networks learn within the limits of predetermined frames. They continuously learn and have to, keeping collective brains open to acquire operational knowledge, as long as what they know is compatible with the premises of communicative closure; otherwise, "half-knowledge" prevails (Marin 1981).

Communicative closure has two distinctive aspects. With regard to participating actors, it means a tendency towards social closure once an exchange network has been established. This propensity to closure will be the stronger the longer transactions have been going on within the circle, allowing each contracting party to specialize its significant contributions beyond the levels originally envisaged and to gradually monopolize certain assets. Furthermore, social closure of the network increases with given, structurally fixed interdependencies (as in the case of functional interests) and, as was just argued, their tightening

over time. But growing social closure simultaneously makes for more open time horizons, to the extent that "endless" mutual dependence is also projected into the future. Social closure, thus, corresponds to structural interest lock-ins and interdependencies, and relatively stable political aspirations over time; only within such a stable framework is an opening-up of time horizons, a permanent adjustment to moving tasks and goal re-specification, i.e. haggling over the precise terms of implicit contracting without contracts possible and productive.

A second aspect of communicative closure has to do with the procedural forms and the policy contents of recontracting, the Sachdimension: Many items cannot be negotiated at all, and whatever is negotiable must be framed highly selectively and recontracted according to a complex operational code, whereby the rule systems used cannot simultaneously be renegotiated themselves. The problem is that the rules of the game can be reconstructed ex post reasonably well, but, apart from the most obvious and least contested ones such as decision rules (concordance vs. majority vote) they can seldom be sufficiently specified in advance; they are, as the late Wittgenstein (1958) taught us, to be learned only by living, exercising, following them.

Hence, their fundamentally circular nature: Games are basically self-referential, but their rules are not always completely fixed, self-revealing and self-explicating, but

somewhat indeterminate. It is this residual indeterminacy which makes them totally self-referential, by an endless regress: Rules of the game *referring* to rules of the game *referring* to rules of the game; and collective actors increasingly caught in this autopoietic self-reproduction of a cooperative regime. The less legal codification, the more self-referentiality through self-generated cultural codes - a certain, almost undefinable "spirit" or "philosophy" of cooperation.

Codes of this kind crystallize a kind of dogmatic core of basic interests and corresponding goal functions, procedural norms of recontracting implicit agreements, relevant facts and guiding outlooks and policy orientations. They can hardly be strictly consistent, but they persist over time. Yet, while they also tend to persist, to close and to reproduce themselves by self-referentiality, their autopoiesis becomes (in contrast to legal autopoiesis) never self-sustaining - as underlying interest divergences, continuous cleavages and antagonisms, power shifts etc. never allow for complete functionalization.

This is exactly the point where autopoietic systems reasoning, as any general, pure theory, comes to its limits. It can analyse, in functional terms, the working of concertation networks and what makes them work - as long as they do so. But it cannot, within its own model, determine what makes indispensable rule systems or integrative codes passed on, changed or given up; up to what level self-referential games will be followed or not

and why; in short, what makes autopoietic closure closed and self-reproduction reproducing itself. In contrast, it does not even allow for autopoiesis not going on. While this might make some limited sense in analysing law an sich, it ceases to be a meaningful premise the very moment complex systems are studied within their time-space contexts and that their simple reproduction also depends on their productive performance and its political assessment - as economic policy circuits certainly do.

At this point, autopoiesis cannot be simply assumed any longer, but must be reconstructed; nor can it be supposed to be a binary code, there or not, but a matter of degrees, the determination of which is an open empirical question; nor can it reduce the collective actors (constituting games which simultaneously constrain them) as nothing but agents performing system reproductive functions. Instead, a new set of analytical notions, focusing on the interplay of action and system aspects (such as "market hierarchies", "tangled hierarchies of implicit contracts", "self-modifying games", "antagonistic cooperation", etc.), should lead to a series of related, but different theoretical puzzles and queries for empirical inquiry (Marin 1985a). For, without empirical studies, theorising about the viability of policy circuits will remain behind its potentialities and unfounded. Pure autopoietic theory will have to be modified and complemented by empirical research in order to generate more sound and grounded theory about the specific conditions, probabilities, costs, and degrees to which generalized political

transaction networks reproduce themselves - and definable levels
of economic performance synchronised by them.

(1) See for instance Adamovich, E., *Österreich, E. Handbuch des*
Österreichischen Währungsrechts, Wien, 1964, p. 121 ff.

(2) See *Erkenntnis des Verfassungsgerichtshofes vom 11. Juni*
1965, Zf. 117, w. 10, 117-118.

(3) The Constitutional Court became involved in the application of
the provincial government of Vorarlberg, which requested
unconstitutional laws, mentioned in para. 3(1) of the
"Auswechslungsgesetz" (Foreign Trade Act) (1961 No. 102/1961),
limiting the decisions of the minister of Trade to the report
of the working committee of the "Wirtschaftsausschuss".
The working committee of the Constitutional Court is
composed of the "economic" (Foreign Trade Advisory Council) or of the
"political" (Foreign Trade Advisory Council) as it is
stated in the law. The Constitutional Court is vested
with the task of the Constitutional Court to verify
whether the restriction laid down in para. 3(1) of the law
on the constitutionally specified powers of the competent
federal minister to be supreme and autonomous head of the
federal administration within his province are compatible with
the federal constitution or not.

For this purpose, a position had to be taken on the
constitutionality of the provision of para. 3(1)(a), which
states that the Federal Minister for Trade and Reconstruction
issues permits in the own sphere of action, insofar as it is
in accordance with the report of the working committee of the
Foreign Trade Advisory Council. This provision in no way gives
the working committee of the Foreign Trade Advisory Council a
purely advisory function, as one might initially conclude
from the term advisory committee by itself. They are not bodies
whose opinion merely constitutes an expert report for the
responsible minister, not binding in law. Instead, the
minister is empowered to issue the permit only if he agrees
with the report by the competent working committee. This
report is thus given considerable importance, which removes
the free right of decision given to the responsible federal
minister by the constitution and makes the decision subject
to be a decision of the minister only in a formal way.
While in reality it is one of the working committee. The
working committee thus act as collegiate bodies called upon
to decide in a matter for the highest federal administration.
The creation of such bodies or their involvement in handling
tasks of the highest federal administration, through simple
federal enactment, is however incompatible with art. 9(1) of
the federal constitution, since it unconstitutionally
restricts the exclusive power of the competent federal
minister - or members of the federal government within

FOOTNOTES FOR THE CASE ANALYSIS (Part IV)

- (1) See, for instance, Adamovich, L., Spanner, H., *Handbuch des österreichischen Verfassungsrechts*, 5. Aufl., Vienna 1957, p. 124
- (2) See BGBl. Nr. 104/April 1951, w.a. in: Institut für angewandte Sozial- und Wirtschaftsforschung, *Materialien zur Sozial- und Wirtschaftspolitik* Heft 2, Zur Paritätischen Kommission für Preis- und Lohnfragen, Vienna 1966, p. 131 ff
- (3) See Erkenntnisse des Verfassungsgerichtshofes vom 17. Juni 1952, Slg. 2323, w.a. in: ebda, p. 133-138
- (4) The Constitutional Court became involved in the application of the provincial government of Vorarlberg, which suspected unconstitutional legal arrangements in para. 3(1) of the "Aussenhandelsgesetz" (Foreign Trade Act) (BGBl No. 105/1951), linking the decisions of the Minister of Trade to the reports of the working committees of the "Wirtschaftsdirektorium" (Foreign Trade Advisory Council) or of the "Economic Directorate"; rightly, as it later turned out." It was therefore the task of the Constitutional Court to verify whether the restrictions layed down in para. 3(1) of the law on the constitutionally specified powers of the competent federal minister to be supreme and autonomous head of the federal administration within his province are compatible with the federal constitution or not.

For this purpose, a position had first to be taken on the constitutionality of the provision of para. 3(1)(a), which says that the Federal Ministry for Trade and Reconstruction issues permits in its own sphere of action, insofar as it is in accord with the report of the working committees of the Foreign Trade Advisory Council. This provision in no way gives the working committees of the Foreign Trade Advisory Council a merely advisory function - as one might initially conclude from the term advisory council; by it, they are not bodies whose opinion merely constitutes an expert report for the responsible minister, not binding in law. Instead, the minister is empowered to issue the permit only if he agrees with the report by the competent working committee. This report is thus given constitutive importance, which removes the free right of decision given to the responsible federal minister by the constitution and makes the decision adopted appear to be a decision of the minister only in a formal way, while in reality it is one of the working committee. The working committees thus act as collegiate bodies called upon to decide in a matter for the highest federal administration. The creation of such bodies or their involvement to handle tasks of the highest federal administration, through simple federal enactment, is however incompatible with Art. 69 (1) of the federal constitution, since it unconstitutionally restricts the exclusive power of the competent federal ministries - or competences of the federal government within

them laid down in the constitution or by enactment - for the overall guidance of the federal administration, embodied in the constitution.

What is said here about the power given the federal committees by para. 3 (1) (a) to perform tasks of the highest federal administration must apply equally to the power of decision explicitly given the economic directorate by para. 3 (1) (b), *ibid.*, p. 136.

- (5) By the federal law of 27 May 1952 (BGBl No. 112/1952). The "Economic Directorate" continued, despite the ruling of the Constitutional Court, to exist for the while, since its recognition did not refer directly to the law setting it up (BGBl No. 104/1951). Thus, the federal law (5. leg. cit.), which had in any case as a precaution been given a time limit, could simply be allowed to expire by not renewing it on 30 June 1952.
- (6) "One is tempted to assume that the initiators of the "Economic Directorate" had been guided, among other things, by more or less conscious reminiscences of the authoritarian, corporate constitution of Austria of 1934 but that constitution had "preparatory organs", among them a "Bundeswirtschaftsrat" (Federal Economic Council). Neuhauser, G. p. 270; it is put still more harshly by Adamovich, L. *Handbuch des Österreichischen Verfassungsrechts*, op.cit. p. 110, who focuses on actual effects rather than possible motives; "but the 1934 corporate constitution sought to achieve a way of legal order but did not actually achieve has been brought about in recent years through actual developments."
- (7) Institut für angewandte Sozial- und Wirtschaftsforschung, loc.cit., p. 155
- (8) See Neuhauser, G. loc.cit. p. 74
- (9) Institut für angewandte Sozial- und Wirtschaftsforschung, a.a.O., p. 137
- (10) Sozialwissenschaftliche Arbeitsgemeinschaft (SWA), *Der Plan zur Umgestaltung der "Paritätischen Kommission für Preis- und Lohnfragen"* vin 27. Dezember 1961, Rechtsgutachten Nr. 24, Vienna 1962, p. 10
- (11) SWA, loc.cit, Vienna 1962, p. 13. On the first interpretation, it would be Article 69 of the federal constitution that was infringed; on the second interpretation, Article 18 (1). It is typical of the formal legal mode of thought that PKPL members have to be brought into consideration as "the individuals summarized under the functional term 'social partnership'" (*ibid.*, p.8). From a sociological viewpoint this way of looking at the social reality and effectiveness of the "social partnership" can, however, in turn be understood only as a legal theoretical

fiction, the function of which lies in the legitimacy confirmation of the reality it denies. Just as far from reality, because it is normative, is the jurists' objection "that the draft denotes the Parity Commission as 'organ of the social partners'. The federal government members represented in it can however in no way be regarded as representatives of the 'social partners', since they ... are under an obligation to the whole federal population, from which, according to Article 1 of the federal constitution, the law of the Austrian Republic proceeds" (Ibid. p.7). Apart from the fact that this criticism has become even legally inappropriate with the loss in the interim by government members of voting rights in the PKPL - so that this has now in fact become an "organ of the social partners" - probably even the most naive legal theoreticians could have expected from their objections not any change in the reality of the PKPL, but only its self-denial, and the disguising of the aspects complained of by appropriately shifting the labels. They have thus attained the exact opposite of their intention of making "the social partnership" more transparent.

- (12) See Klecatsky, H., *Interessenverbände und Parlamente*, in: Kummer, K. (Hg.), *Die Verbände und ihr Ordnungsanspruch*, Vienna 1965, pp. 23ff o" Schambeck., H., *Ist der moderne Staat ein Ständestaat?*, in: ebda, pp. 48ff bzw. ders., *Kammerorganisation und Ständeordnung*, in: *Im Dienste der Sozialreform. Festschrift für Karl Kummer*, Vienna 1965, pp. 443ff
- (13) Kelsen, H., *Das Problem des Parlamentarismus*, in: *Soziologie und Sozialphilosophie. Schriften der Soziologischen Gesellschaft in Vienna*, Bd. III, Vienna 1919, pp. 19ff
- (14) "It is beyond doubt that this mode of procedure avoided many differences and protected Austria in the difficult years after the end of the the Second World War from otherwise inevitable upheaval through economic struggles. On the other hand, it cannot be denied that the procedure used contradicted the federal constitution's intentions by shifting the decisive political decision making from the lower house, as the forum to which it should be solely reserved, to a body which is in reality one of representatives of economic interests, though admittedly also strongly politically influenced". Adamovich, L., *Handbuch des Österreichischen Verfassungsrechts*, loc.cit., p. 124.
- (15) SWA, loc. cit., Vienna 1962
- (16) The (legal price-regulating machinery) originally consisted of the "Preistreibereigesetz" 'price-rigging act' (BGBl, No. 92/1950), amended in 1958 (BGBl. No, 107/1958) and the "Preisregelungsgesetz" 'price-regulation act' (BGBl No. 151/1957), a reenactment of the frequently, on average more than once per year, amended price regulation act BGBl. No.

91/1950). Following the 'Raab-Olah-Agreement' the price-rigging act (BGBl No. 104/1962) and the price-regulating act (BGBl No. 103/1962) were simultaneously amended by removing the collaboration of the interest representations in a temporary official price fixing from the price-rigging act (extension of para. 1 (3)) and providing for it in the price-regulating act (para 3 (2)). Further extensions of the possibilities of sanction came especially in the price regulating act amendment 1971 (BGBl No. 488/1971) and 1974 (BGBl No. 804/1974), and in the price act 1976. Moreover, these shifted the initiative for price policy sanction measures to the Federal Minister for Trade, Commerce and Industry; the authorities can no longer fix official maximum prices on the basis of unanimous agreement of the major interest associations (price regulating act 1957, para. 3a), but on the other hand their agreement is now necessary in order to block a procedure autonomously started by the trade minister (pursuant to para. 3b of the price regulating act amendment 1974 or para. 4 of the price act 1976 which replaced it). Moreover, there are other possibilities for the economic associations to activate official price regulation - for instance through the "Paritätischen Ausschuss für Kartellangelegenheiten" (Joint Committee for Cartel Matters).

- (17) "The conclusion is that the Parity Commission ... has more the nature of an executive organ, an instrument of government economic policy, and less that of a self-managing body with economic policy powers, since no economic policy decision-making of its own is done in the Commission. The Commission merely carries out the economic policy decisions of the government, carrying on price and wage policy in the form of a 'voluntary self-control of prices and wages' as a means of implementing anti-inflation policy. Neuhauser, G., loc cit., p. 108. This assessment has been outdated if only by the autonomization of interassociational cooperation, after the government members who continued to take part in the meetings of the 'Parity Commission' abandoned their voting right in 1966 - and therewith their possibility of vetoing decisions of the economic associations. Furthermore, the reasons they give show precisely how much a formalist approach can seduce even so-called experts into a misapprehension, indeed a reversal, of reality, when the author states in all seriousness: "the Parity Commission has above all the nature of an economic policy instrument, because it was founded officially at government request" *ibid*, loc.cit., p. 107.
- (18) ABGB, a third ed. Munich 1976, p. 157: "para. 880a. (promise of intercession; promise of effect) If someone has promised another person a performance by a third party, this counts as a promise of his intercession with the third party; if however he has promised the result, then he is responsible for full satisfaction if the performance of the third party does not take place".

- (19) Collective agreements are therefore legally interpreted not only on a private-law basis but also on a public-law one or in terms of a 'social guardianship'. For differing legal views, see for instance Federal Chamber of Industry and Commerce (ed.), *Probleme der wirtschaftlichen und sozialen Selbstverwaltung*, Vienna 1967.
- (20) Meisl, P., *Kammern und freie Verbände in der Landwirtschaft*, in: Pütz, Th. (ed.), *Verbände und Wirtschaftspolitik in Österreich*, Berlin 1966, p. 261, names as an example the association of Austrian tobacco planters: "Since 1954 membership has been compulsory for all holders of a tobacco growing licence for the growing season concerned ...", since tobacco growing is subject to the monopoly act and licences are obligatory. Nussbaumer, A., in: *ibid*, adduces the Austrian Raiffeisen association and the Austrian association of cooperatives as examples of de facto compulsory membership in "free" associations, and describes their mechanisms of action as follows: "The position of the private interest association (Austrian Raiffeisen association), like that of the associations in the savings bank and trading cooperatives sectors, is strengthened by its close connection with the two compulsory associations, the association of credit cooperatives on the Raiffeisen system in the context of the chamber organization, and the association of auditors. Pursuant to the audit act in its 1936 version, every cooperative must be associated with an association of auditors; to be sure, a Raiffeisen bank might also choose an auditing association of the people's banks, but there exists a standstill agreement between the two associations of cooperatives which means on the one hand that an individual cooperative cannot evade effective auditing by changing its association, and on the other also strengthens the association's position vis-à-vis its members. This threefold position of the association leads even in the case of the free association to compulsory membership, not de jure but at any rate de facto" (p. 665). "The Austrian association of cooperatives has according to its constitution a dual position. It is an association under the associations act 1951, BGBl No. 233/51 and at the same time an association of auditors within the meaning of the act of 10 June 1903, RGBl no. 133, on the auditing of trading and economic cooperatives. Besides this it de facto performs the third function of doing the tasks of the specialized association of the federal chamber of industry and commerce. Since in the case of the association of auditors and the specialised association membership is prescribed by law, there is de facto compulsory membership even in the free association, because, though auditing by the organization of agricultural cooperatives is permissible, it is contractually excluded by the standstill agreement between the organizations of cooperatives, and even the accession of a new cooperative can take place only via the associations. The association thus covers all cooperatives that may come into question for membership completely." (pp. 670/671).

- (21) The "Kollektivevertragsgesetz" (collective agreements act) "Bundesgesetz vom 26. Februar 1947 über die Regelung von Arbeits- und Lohnbedingungen durch Kollektivverträge und Arbeitsordnungen" (Federal act of 26 February 1947 on the regulation of conditions of work and wages by collective agreements and labour ordinances, BGBl No. 76) provides this by law in para 4. In most other cases such a cession of powers takes place through agreements and interlocking offices, that is the occupation of several functions by one and the same person ("Personalunionen"), without legal coverage.

ALDRICH, H.E. and WHETTEN, D. (1981) "Organization-sets, action-sets and networks: making the most of simplicity", in NYSTROM, Paul and STARBUCK, William (eds.), Handbook of Organizational Design, Vol. 1. London: Oxford University Press.

ARROW, Kenneth J. (1974) The Limits of Organization. New York: Norton.

BAGLIONI, Guido (1983) "Costanti e varianti in tema di scambio politico", Giornale di diritto del lavoro e di relazioni industriali, (20): 839-877

BALDWIN, David A. (1978) "Power and Social Exchange", The American Political Science Review. 70:1229-1242.

BARDACH, Eugene and KAGEN, Robert A. (1982) Going by the Book. Philadelphia: Temple University Press.

BARNARD, Chester I. (1976) The Functions of the Executive. Cambridge Mass.: Harvard University Press (first published 1938).

BENSELER, Frank, Peter M. HEJL and Wolfram KÖCK (1980) Autopoiesis, Communication and Society. The Theory of Autopoietic Systems in the Social Sciences. Frankfurt: Campus.

BENSON, J.K. (1975) "The Interorganizational Network as a Political Economy", Administrative Science Quarterly, 20: 229-249.

BERCUSSON, Brian (1985) "Legalisation and Disorder: State and Private Power". Florence: EUI Colloquium Papers - Law and Economic Policy.

BERGER, Suzanne (ed.) (1981) Organizing Interests in Western Europe. Cambridge, Mass.: Cambridge University Press.

BEYME, Klaus von (1977) Gewerkschaften und Arbeitsbeziehungen in kapitalistischen Ländern. München: Piper.

BLANKENBURG, E., E. KLAUSA and H. ROTTLEUTHNER (Hg.) Alternative Rechtsformen und Alternativen zum Recht. Opladen: Westdeutscher Verlag.

BOBBIO, Norberto (1980) Contratto sociale oggi. Napoli: Guida.

BOBBIO, Norberto (1984) "Contratto e contrattualismo nel dibattito attuale", pp. 125-147 in BOBBIO, Norberto Il futuro della democrazia. Torino: Einaudi.

BOUDON, Raymond (1977) Effets Pervers et ordre social. Paris: Presses Universitaires de France.

- BURNS, T.R., T. BAUMGARTNER and P. DEVILLE (1985) Man, Decisions, Society. New York: Gordon and Breach.
- CERI, Paolo (1980-1981) "Le condizioni dello scambio politico", Quaderni di Sociologia, 29(4): 640-663.
- COASE, R.H. (1960) "The Problem of Social Cost", The Journal of Law and Economics, 3: 1-44.
- COHEN, Michael, James G. MARCH and Johan P. OLSEN (1972) "A Garbage Can Model of Organizational Choice", Administrative Science Quarterly, 17(1): 1-25.
- COLEMAN, James S. (1966) "Foundations for a Theory of Collective Decisions", The American Journal of Sociology, 71(6): 615-627.
- COLEMAN, James S. (1970) "Political Money", The American Political Science Review, 64:1074-1087.
- COLEMAN, James S. (1982) "Systems of Trust. A Rough Theoretical Framework". Angewandte Sozialforschung, 10(3): 277-299.
- COLEMAN, James S. (1985) "Responsibility in Corporate Action: A Sociologist's View", in HOPT, K. and G. TEUBNER (eds.) Corporate Governance and Directors' Liabilities. Berlin: de Gruyter.
- COLEMAN, James S. (1986) "Forms of Rights in Economic and Political Systems". Florence: EUI Colloquium Paper -Political Exchange: Between Governance and Ideology.
- COOK, Karen S. (1977) "Exchange and Power in Networks of Interorganizational Relations", The Sociological Quarterly, 18: 62-82.
- COOK, Karen S. and Richard M. EMERSON (1978) "Power, Equity and Commitment in Exchange Networks", American Sociological Review, 43: 721-739.
- COOK, Karen S. (1982) "Network Structures from an Exchange Perspective", in MARSDEN, Peter V. and N. LIN (eds.) Social Structure and Network Analysis. Beverly Hills: Sage. pp.177-199.
- CROUCH, Colin and Alessandro PIZZORNO (eds.) (1978) The Resurgence of Class Conflict in Western Europe Since 1968. 2 Vols. New York: Holmes and Meier.
- CROUCH, Colin (1986) "Concepts of Political Exchange in Historical and Comparative Research". Florence: EUI Colloquium Paper - Political Exchange: Between Governance and Ideology

CROZIER, Michel and Jean-Claude THOENIG (1976) "The Regulations of Complex Organized Systems", Administrative Science Quarterly. 21: 547-570.

CROZIER, Michel and Erhard FRIEDBERG (1977) L'Acteur et le système. Paris: Editions Seuil.

DAINTITH, Terence C. and Gunther TEUBNER (eds.) (1986) Contract and Organisation. Berlin: de Gruyter.

EIGEN, M. and P. SCHUSTER (1979) The Hypercycle. A Principle of Natural Self-Organisation. Berlin: Springer.

ELSTER, J. (1983) Sour Grapes. Cambridge: Cambridge University Press.

EMERSON, Richard M. (1962) "Power-dependence relations", American Sociological Review, 27: 31-40.

EMERSON, Richard M. (1976) "Social Exchange Theory", Annual Review of Sociology, 2: 335-362.

EWALD, Francois (1985) "le droit du droit", Autopoiesis in Law and Society. Florence: EUI Colloquium Paper.

FLANAGAN, Robert J., David W. SOSKICE and Lloyd ULMAN (1983) Unionism, Economic Stabilization and Incomes Policy. Washington: Brookings.

FLANDERS, Alan (1968) "Collective bargaining: a theoretical analysis", British Journal of Industrial Relations, 6(1): 1-26.

FOERSTER, Heinz von, and George W. ZOPF (eds.) (1962) Principles of Self-organization. New York: Pergamon Press.

FOERSTER, Heinz von (1981) Observing Systems. Seaside: Intersystems Publications.

FOERSTER, Heinz von (1984) "Principles of Self-Organization - In a Socio-managerial Context", in ULRICH, H. and G.J.B. PROBST (eds.)
FRIEDBERG, Erhard "Generalized Political Exchange and Interorganizational Analysis". Florence EUI Colloquium Paper - Political Exchange: Between Governance and Ideology.

FRIEDMAN, Lawrence M. (1975) The Legal System. A Social Science Perspective. New York: Simon and Schuster.

FULLER, Lon L. (1969) The Morality of Law. New Haven and London: Yale University Press.

GEIGER, Theodor (1964) Vorstudien zu einer Soziologie des Rechts. Neuwied: Luchterhand.

GESSNER, Volkmar and Gerd WINTER (1982) Rechtsformen der Verflechtung von Staat und Wirtschaft. Opladen: Westdeutscher Verlag.

GIDDENS, Anthony (1984) The Constitution of Society. Oxford: Polity Press

GOLDTHORPE, John H. (ed.) (1984) Order and Conflict in Contemporary Capitalism. Oxford: Oxford University Press.

GOULDNER, Alvin W. (1959) "Reciprocity and Autonomy in Functional Theory", in GROSS, L. (ed.) Symposium on Sociological Theory. Evanston Ill. pp. 241-270.

GOULDNER, Alvin W. (1960) "The Norm of Reciprocity: A Preliminary Statement", American Sociological Review, 25(2): 161-178.

GRANOVETTER, M. (1985) "Economic Action and Social Structure: The Problem of Embeddedness", American Journal of Sociology, 91: 481-510.

GRANT, W. (1985) (ed.) The Political Economy of Corporatism. London: Macmillan.

HANF, K. and Fritz W. SCHARPF (eds.) (1978) Interorganizational Policy Making. London: Sage.

HARDIN, Russel (1982) Collective Action. Baltimore: John Hopkins University Press.

HAYEK, Friedrich A. von (1973) Law, Legislation and Liberty, Vol. I: Rules and Order, Chicago: University of Chicago Press.

HIRSCHMAN, A.O. (1970) Exit, Voice and Loyalty. Cambridge, Mass.: Harvard University Press.

HOFSTADTER, Douglas R. (1979) Gödel, Escher, Bach: An Eternal Golden Braid. New York: Basic Books.

JANTSCH, Erich (1980) The Self-Organizing Universe: Scientific and Human Implications of the Emerging Paradigm of Evolution. Oxford.

KALECKI, M. (1971) Selected Essays on the Dynamics of the Capitalist Economy. Cambridge, London.

KATZENSTEIN, P.J. (1985) Small States in World Markets. Ithaca and London: Cornell University Press.

KAUFMANN, F.X., G. MAJONE, V. OSTROM, and W. WIRTH (eds.) (1986), Guidance, Control and Evaluation in the Public Sector. Berlin: de Gruyter.

KENIS, Patrick (1986) "Industrial Restructuring: The Case of the Chemical Fibre Industry in Europe". Florence: EUI Working Paper No. 86/191

KENIS, Patrick and Volker SCHNEIDER (1987) "The European Community as an International Corporate Actor: Two Cases in Economic Diplomacy", forthcoming in European Journal of Political Research

KEOHANE, Robert O. (1984) After Hegemony. Princeton: Princeton University Press.

KOENDGEN, J. (1981) Selbstbindung ohne Vertrag. Teubingen: J.B. Mohr (Paul Siebeck).

KORPI, Walter (1983) The Democratic Class Struggle. London : Routledge and Kegan Paul.

KÜBLER, F. (Hg.) (1984) Verrechtlichung von Wirtschaft, Arbeit und sozialer Solidarität. Vergleichende Analysen. Nomos: Baden-Baden.

LEHMBRUCH, Gerhard (1983) "Neokorporatismus in Westeuropä : Hauptprobleme im internationalen Vergleich", Journal fuer Sozialforschung, 23(4): 407-420.

LEHMBRUCH, Gerhard (1984) "Concertation and the Structure of Corporatist Networks", pp. 60-80 in GOLDTHORPE, John H. (ed.)

LEHNER, Franz (1979) Grenzen des Regierens. Königstein Ts.: Athenäum.

LINDBLOM, Charles E. (1977) Politics and Markets. New York: Basic Books.

LUHMANN, Niklas (1968) Zweckbegriff und Systemrationalität. Frankfurt/M.

LUHMANN, Niklas (1968) Vertrauen. Stuttgart: Enke.

LUHMANN, Niklas (1969) Legitimation durch Verfahren. Neuwied/Rhein: Luchterhand.

LUHMANN, Niklas (1972) Rechtssoziologie 2 Vols. Reinbek: Rowohlt.

LUHMANN, Niklas (1974) Rechtssystem und Rechtsdogmatik. Stuttgart: Kohlhammer.

LUHMANN, Niklas (1975) Macht. Stuttgart.

LUHMANN, Niklas (1981) Ausdifferenzierung des Rechts. Frankfurt a.M.: Suhrkamp.

LUHMANN, Niklas (1983) "Das sind Preise. Ein soziologisch-systemtheoretischer Klarungsversuch". Soziale Welt 34 153-170.

LUHMANN, Niklas (1984a) Soziale Systeme. Grundriß einer allgemeinen Theorie. Frankfurt: Suhrkamp.

LUHMANN, Niklas (1984b) "Die Wirtschaft der Gesellschaft als autopoietisches System". 13 Zeitschrift für Soziologie 308-327.

LUHMANN, Niklas (1985) "The Self-Reproduction of the Law and Its Limits", in TEUBNER, G. (ed.) Dilemmas of Law in the Welfare State. Berlin: de Gruyter.

MACAULAY, S. (1963) "Non-contractual Relations in Business: A Preliminary Study", American Sociological Review, 28.

MACAULAY, Stewart (1983) "Private Government", in TRUBECK, D. (Hg.) Reflexive Law and the Regulatory Crisis. Madison Wisconsin, University of Madison-Wisconsin.

MACNEIL, Ian R. (1974) "The Many Futures of Contracts", Southern California Law Review, 47: 691-816.

MACNEIL, Ian R. (1980) The New Social Contract. New Haven: Yale University Press.

MACNEIL, Ian R. (1986) "Exchange Revisited: Individual Utility and Social Solidarity", Ethics, 96: 567-593.

MARCH, James G. and Johan P. OLSEN (1984) "The New Institutionalism: Organizational Factors in Political Life", American Political Science Review, 78: 734-749.

MARCH, James G and Johan P. OLSEN, (1986) "Popular *Sovereignty* and the Search for Appropriate Institutions", Mimeo. Stanford/Bergen. September 1986.

MARIN, Bernd (1979) Wachstumskrisen in Oesterreich? 2 Vols. Wien: Braumüller.

MARIN, Bernd (1981) "What is 'Half-Knowledge' Sufficient For - and When? Theoretical Comment on Policymakers' Uses of Social Science", Knowledge: Creation, Diffusion, Utilization, 3(1): 43-60.

MARIN, Bernd (1982a) Die Paritätische Kommission. Aufgeklärter Technokorporatismus in Österreich. Wien.

MARIN, Bernd (1982b) "Wie ist die 'Wirtschafts- und Sozialpartnerschaft' möglich?", Österreichische Zeitschrift für Politikwissenschaft. 11. Jg. Heft 3: 327-340.

MARIN, Bernd (1983a) "Organizing Interests by Interest Organizations", International Political Science Review 4(2): 197-216.

MARIN, Bernd (1985a) "Generalized Political Exchange: Preliminary Considerations". EUI Working Paper No. 85/190.

MARIN, Bernd (1985b) "Austria - The Paradigm Case of Liberal Corporatism?", pp. 89-125 in GRANT (ed.) The Political Economy of Corporatism

MARIN, Bernd (1986a) Unternehmerorganisationen im Verbändestaat. Vol. 1. Wien.

MARIN, Bernd (1986b) "From Consociationalism to Technocorporatism", pp. 39-69 in: SCHOLTEN, I. (ed.) Political Stability and Neo-Corporatism in Europe. London: Sage.

MARIN, Bernd (1986c) "Vices of Virtuous Circles. Contradictory Autodynamics of Economic Policy Circuits", paper presented at the Workshop on "Social Dynamics", European University Institute, Florence.

MARIN, Bernd (1986d) "Japanese and Austrian Modes of Managing Labour-Management Relations", pp.20-34, Social and Economic Congress of Japan (ed.) Industrial Relations in Japan and Austria. Tokyo.

MARIN, Bernd (Hg.) (1987) Verfall und Erneuerung im Bauwesen. Wien: Internationale Publikationen.

MARSCHAK, J. (1955) "Elements for a Theory of Teams", Management Science 1(January): 127-137.

MATURANA, Humberto R. (1982) Erkennen: Die Organisation und Verkörperung von Wirklichkeit. Braunschweig, Wiesbaden: Vieweg.

MAYNTZ, R. (1983) "The Conditions of Effective Public Policy: a New Challenge for Policy Analysis", Policy and Politics 11(2): 123-143.

MAYNTZ, R. (1986) "Corporate Actors in Public Policy: Changing Perspectives in Political Analysis", paper given at a conference of the Norwegian Political Science Association in Bergen, May 1986.

MERTON, R.K. (1976) Sociological Ambivalence and Other Essays. New York, London.

METCALFE, J. Les (1976) "Organizational Strategies and Interorganizational Networks", Human Relations, 29(4): 327-343.

MITNICK, Barry (1980) The Political Economy of Regulation. Creating, Designing and Removing Regulatory Forms. New York: Columbia University Press

MUTTI, Antonio (1985) "Scambio politico e incertezza", Rassegna Italiana di Sociologia, 26(1): 53-78.

NEDELMANN, B. (Hg.) (undated) Eigendynamische Soziale Prozesse. Mimeo.

NONET, Philippe and Philip SELZNICK (1978), Law and Society in Transition. New York: Harper & Row.

OFFE, Claus (1984) "Korporatismus als System nichtstaatlicher Makrosteuerung? Notizen ueber seine Voraussetzungen und demokratischen Gehalte" Geschichte und Gesellschaft, 10.

OLSEN, Johan P. (1983) Organized Democracy. Bergen: Universitetsforlaget.

OLSON, Mancur (1982) The Rise and Decline of Nations: Economic Growth, Stagflation and Social Rigidities. New Haven: Yale University Press.

OUCHI, William G. (1980) "Markets, Bureaucracies, and Clans", Administrative Science Quarterly, 25: 129-142.

PARIJS, Philippe Van (1981) Evolutionary Explanation in the Social Sciences: An Emerging Paradigm. London.

PARSONS, Talcott and Neil J. SMELSER (1956) Economy and Society. London: Routledge.

PIAGET, Jean (1947) La psychologie de l'intelligence. Paris: Librairie Armand Colin.

PIZZORNO, Alessandro (1978) "Political Exchange and Collective Identity in Industrial Conflict", pp. 277-298 in CROUCH, C. and Alessandro PIZZORNO (eds.), Vol. 2.

POSNER, Richard (1977) Economic Analysis of Law. Boston: Little Brown.

RAPOPORT, Anatol (1961) Fights, Games and Debates. Ann Arbor.

REGINI, Mario (1983) "Le condizioni dello scambio politico. Nascita e declino della concertazione in Italia e Gran Bretagna", Stato e Mercato 9: 353-384.

REIN, Martin (1986) Frame-Reflective Policy Discourse. Mimeo: October 1986.

ROTH, Gerhard and Helmut SCHWEGLER (Hg.) (1981) Self-Organizing Systems. An Interdisciplinary Approach. Frankfurt a.M.: Campus.

RUSCONI, Gian E. (1981) "Scambio politico", Laboratorio politico, 1(2): 65-87.

SAHLINS, M. (1972) Stone Age Economics. Chicago: Aldine Publishing Company.

SCHARPF, Fritz W. and M. BROCKMANN (Hg.) (1983) Institutionelle Bedingungen der Arbeitsmarkt- und Beschäftigungspolitik. Frankfurt/M.: Campus.

SCHARPF, Fritz W. (1984) "Economic and institutional constraints of full-employment strategies: Sweden Austria and West Germany", pp. 257-280 in GOLDTHORPE, J.H. (ed.)

SCHARPF, Fritz W. (1987) Sozialdemokratische Krisenpolitik. Frankfurt/M.: Campus.

SCHELLING, Thomas C. (1971) The Strategy of Conflict. London: Oxford University Press

SCHELLING, Thomas C. (1978) Micromotives and Macrobehavior. New York: Norton.

SCHMIDT, Manfred (1986) "Politische Bedingungen erfolgreicher Wirtschaftspolitik" Journal fuer Sozialforschung 26(3): 251-273.

SCHMITTER, Philippe C. (1974) "Still the Century of Corporatism?", Review of Politics 36(1): 85-131.

SCHMITTER, Philippe C. (1985) "Neo-Corporatism and the State", pp. 32-62 in: GRANT, W. (ed.) The Political Economy of Corporatism.

SCHMITTER, Philippe C. and W. STREECK (forthcoming) The Organisation of Business Interests. Berlin, New York: de Gruyter.

- SCHNEIDER, V. (1986b) "Tauschnetzwerke in der Politikentwicklung", Journal fuer Sozialforschung 26(4): 383-416.
- SCHON, Donald A. (1973) Beyond the Stable State. New York-London: Norton.
- SELZNICK, Philip (1969) Law, Society and Industrial Justice. New York: Russell Sage.
- SIMON, Herbert A. (1962) "The Architecture of Complexity", Proceedings of the American Philosophical Society 106: 467-482.
- STARBUCK, William H. (1983) "Organizations as Action Generators", American Sociological Review. 48: 91-102
- STREECK, Wolfgang (1981) Gewerkschaftliche Organisationsprobleme in der sozialstaatlichen Demokratie. Koenigstein/Ts.
- STREECK, Wolfgang and Philippe C. SCHMITTER (1985) "Gemeinschaft, Markt und Staat - und die Verbaende?", Journal fuer Sozialforschung, 25(2): 133-157.
- TEUBNER, Gunther and Helmut WILLKE (1984) "Kontext und Autonomie: Gesellschaftliche Selbststeuerung durch reflexives Recht". 6 Zeitschrift fuer Rechtssoziologie. 4-35.
- TEUBNER, Gunther (1984a) "Das regulatorische Trilemma", Quaderni Fiorentini per la Storia del pensiero giuridico moderno, 13: 109-149.
- TEUBNER, Gunther (1984b) "After Legal Instrumentalism? Strategic Models of Post-regulatory Law", International Journal of the Sociology of Law 12: 375-400.
- TEUBNER, Gunther (1985a) (ed.) Dilemmas of Law in the Welfare State. Berlin: de Gruyter.
- TEUBNER, Gunther (1985b) "Social Order from Legislative Noise? Autopoietic Closure as a Problem for Legal Regulation", Autopoiesis in Law and Society. Florence: EUI Colloquium Paper.
- TEUBNER, Gunther (ed.) (1987a) Autopoietic Law: A New Approach to Legal Theory. Berlin: de Gruyter.
- TEUBNER, Gunther (1987b) "Hyperzyklus in Recht und Organisation: Zum Verhältnis von Selbstbeobachtung, Selbstkonstitution und Autopoiese" in HAFERKAMP, H. and M. SCHMID, Sinn, Kommunikation und soziale Differenzierung. Beiträge zu Luhmanns Theorie sozialer Systeme. Frankfurt: Suhrkamp.

- TOURAINE, Alain (1973) Production de la société. Paris: Du Seuil.
- TRAXLER, Franz (1982a) Evolution gewerkschaftlicher Interessenvertretung. Wien, Frankfurt/M.
- TRAXLER, Franz (1982b) "Zur Entwicklung kooperativer Arbeitsbeziehungen. Versuch einer Prozessanalyse", in Zeitschrift für Soziologie, Heft 4, pp. 335-352.
- TRAXLER, Franz (1986) Interessenverbände der Unternehmer. Frankfurt/M.: Campus.
- ULLMAN-MARGALIT, Edna (1977) The Emergence of Norms. Oxford: Clarendon Press
- ULRICH, H. and G.J.B. PROBST (eds.) (1984) Self-Organization and Management of Social Systems. Berlin: Springer.
- VANBERG, Viktor (1982) Markt und Organisation. Tübingen: Mohr & Siebeck.
- VARELA, Francesco J. (1981) "Autonomy and Autopoiesis" in ROTH, G. and H. SCHWEGLER (eds.) Self-Organizing Systems. Frankfurt: Campus, 14-24.
- VOIGT, Rüdiger (Hg.) (1980) Verrechtlichung. Frankfurt a.M.: Athenäum.
- VOIGT, Rüdiger (1983) Gegentendenzen zur Verrechtlichung. Opladen: Westdeutscher Verlag.
- VOIGT, Rüdiger (Hg.) (1984) Abschied vom Recht?. Frankfurt: Suhrkamp.
- WAGNER, Michael (1985) "Nachfrageorientierte Beschäftigungssicherung" in BUTTLER, F. u.a. (Hg.) Staat und Beschäftigung. Institut für Arbeitsmarkt- und Berufsforschung der Bundesanstalt für Arbeit: Nürnberg. pp. 185-217.
- WAGNER, Michael, (1986) "Fragile Hierarchies: Macroeconomic Management as a Exchange Problem". Florence: EUI Colloquium Paper. -Political Exchange: Between Governance and Ideology.
- WAGNER, Michael (1987) "Paradoxe Steuerungsstrategien" in BURGER, R. et al. (Hg.) Verarbeitungsmechanismen der Krise (forthcoming).
- WATSON, Alan (1985) The Evolution of Law. Baltimore: Johns Hopkins University Press.

WILLIAMSON, Oliver E. (1975) Markets and Hierarchies. New York: Free Press.

WILLIAMSON, Oliver E. (1985) The Economic Institutions of Capitalism: Firms, Markets, Relational Contracting. New York.

WILKE, Helmut (1983) Entzauberung des Staates. Überlegungen zu einer sozietaalen Steuerungstheorie. Königstein: Athenäum.

WILSON, James Q. (1973) Political Organizations. New York: Basic Books.

WILSON, James Q. (ed.) (1980) The Politics of Regulation. New York: Basic Books.

WITTGENSTEIN Ludwig (1958) Philosophical Investigations. Oxford: Basil Blackwell.

WORMELL, C.P. (1985) "On the Paradoxes of Self-Reference". 67 Mind. 267-271.

YOVITS, Marshall C and Scott CAMERON (eds.) (1960) Self-organizing Systems. New York: Pergamon Press.

YOVITS, Marshall C., G.T. JACOBI, and G.D. GOLDSTEIN (eds.) (1962) Self-organizing Systems. Washington: Spartan Books.

ZELENY, Milan (ed.) (1980) Autopoiesis, Dissipative Structures and Spontaneous Social Orders. Colorado: Westview Press.

ZELENY, Milan (1981) Autopoiesis. A Theory of Living Organisation. New York: Elsevier.



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